

subject matter of this Act, the crowded condition of the calendar and the near approach of the close of the session create an emergency and an imperative public necessity, demanding that the constitutional rule requiring bills to be read on three separate days be, and the same is hereby, suspended and that this Act shall be in force and effect from and after its passage, and it is so enacted.

THIRTY-FOURTH DAY.

Senate Chamber,
Austin, Texas, Feb. 28, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

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|---------------------|------------|
| Alderdice. | Hertzberg. |
| Bailey. | Hopkins. |
| Bell. | Johnston. |
| Buchanan of Scurry. | McNealus. |
| Caldwell. | Page. |
| Carlock. | Parr. |
| Cousins. | Smith. |
| Dayton. | Suiter. |
| Dean. | Westbrook. |
| Dorough. | Williford. |
| Dudley. | Witt. |
| Faust. | Woods. |
| Floyd. | |

Absent—Excused.

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|-------------------|-------------|
| Buchanan of Bell. | Hall. |
| Clark. | Strickland. |
| Gibson. | |

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Faust.

Excused.

Senator Hall was excused for today and until Tuesday on account of important business, on motion of Senator Bailey.

Senator Clark for today and until Monday on motion of Senator McNealus.

Senator Strickland was excused for

today on motion of Senator Dorough.

Petitions and Memorials.

See Appendix.

Standing Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Cousins:

S. B. No. 353, A bill to be entitled "An Act to establish and create a Court to be known as 'Corporation Court in Port Arthur, Texas,' and to prescribe its organization, jurisdiction and procedure, and to conform the jurisdiction and procedure of other courts thereto, to repeal all laws in conflict herewith, and to declare an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Caldwell:

S. B. No. 354, A bill to be entitled "An Act, making an appropriation to supplement the appropriation made at the First Called Session of the Thirty-fifth Legislature for the Confederate Woman's Home, for the fiscal year ending August 31, 1919, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senators Dean, Dorough, Strickland and Floyd:

S. B. No. 355, A bill to be entitled "An Act declaring that any person firm or corporation or association of persons in this State who may engage in, pursue, carry on, or maintain any of the following described occupations or callings, under the circumstances and conditions herein described, are declared to be creators and promoters of a public nuisance, may be enjoined at the suit of either the Attorney General, the County or District Attorney in behalf of the State, being any person, firm, corporation, or association of persons who is the proprietor of any place of public amusement or the agent or employee of such person,

firm or corporation or association of persons, who shall permit his place of business, or place of public amusement to be opened for the purpose of traffic of the public amusement on Sunday; the term "place of public amusement" shall be construed to mean circuses, theatres, vaudeville theatres, variety theatres, and such other amusements as are exhibited, and for which an admission fee is charged and shall also include dances, disorderly houses and low dives of like character, with or without fees for admission; provided that it is the duty of such officers to file such suit upon information when furnished them by reputable citizens of the State; providing that the procedure in all cases brought under the provisions of this Act shall be the same as in other suits for injunction as near as may be; provided that when suit is brought in the name of the State by any officer, aforesaid, the petition for injunction need not be verified; providing that if suit is brought by the Attorney General, venue thereof may be had either in the county where the act or offense is committed or in Travis county, Texas; that this Act shall be cumulative of all other laws and prescribing methods of procuring testimony and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Suiter:

S. B. No. 356, A bill to be entitled "An Act creating a special road law for Camp county, Texas; authorizing the Commissioners' court to subdivide the county into convenient road precincts; prescribing who shall be subject to road duty, and fixing time hands shall work, etc."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Parr:

S. B. No. 357, A bill to be entitled "An Act granting to the City of Corpus Christi, Texas, all right, title and interest of the State of Texas to certain land lying and being situated under the waters of Corpus Christi Bay and granting to said city of Corpus Christi, Texas, the right,

power, and authority to locate, construct, own and maintain certain sea walls or break waters on said lands and to fill in the space between the mainland and said sea wall or break waters with sand, dredge soil or other material as may be necessary or desirable for filling in such space; and authorizing said city of Corpus Christi to remove and abate any encroachment or structures existing on said property and to bring such suit or suits as may be necessary to carry out the provisions of this Act; and granting to said city of Corpus Christi the right to fix the shipping district and to authorize, purchase, construct, own and maintain piers, and wharves and to grant franchises therefor and to construct and maintain slips, into the waters of Corpus Christi Bay beyond said sea walls or break waters and within the territory herein granted, upon the vote of tax paying voters of said city, granting the right of eminent domain, and reserving all mineral rights to the State, providing for the appraisalment of said land and the sum per acre to be paid for said land and the disposition of said funds, and the issuance of a patent therefor, fixing the time to begin construction and reserving to the State and the United States Government the right to erect wharves, piers and buildings on said land, and reserving the right to place all piers and wharves and the rates and charges thereon under the supervision of the Railroad Commission of the State."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Hertzberg:

S. B. No. 358, A bill to be entitled "An Act to amend Article 2241 of the Revised Civil Statutes of the State of Texas, by adding thereto Sections 13 and 14, providing for the appointment by the commissioners' court of clerical help to assist them in the performance of their duties and upon application of the Grand Jury, to appoint clerical help to assist that body."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Witt:

S. B. No. 359, A bill to be entitled "An Act to prescribe the parties to and venue of suits against foreign corporations, assignees, trustees and receivers, and providing additional means of obtaining service on non resident railroad corporations in this State, and defining who are agents of such foreign railway corporations or companies, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator McNealus:

S. B. No. 360, A bill to be entitled "An Act to exempt from taxation all public securities after this Act takes effect."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Dean:

S. B. No. 361, A bill to be entitled "An Act to amend Section 9, of Chapter 5, of General Laws passed by the Thirty-second Legislature at its First Called Session, and Section 114, Chapter 96, of General Laws of the State of Texas passed by the Thirty-second Legislature at its Regular Session, relating to teachers' certificates issued by State Normal Colleges, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Message From The House.

Hall of the House of Representatives,
Austin, Texas, Feb. 27, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 271, A bill to be entitled "An Act to create a more efficient road system for Cooke county, adopting and making a part of this special law the provision of Chapter 2, Title 18 (Vernon Sayles). Revised Civil Statutes of Texas, as amended by Chapter 203, General Laws of the Regular Session of the Thirty-fifth Legislature of Texas, providing for the defining of districts in Cooke county, for issuing and levying taxes therein, for the improve-

ment and maintenance of public highways in said county, and for holding elections for such purpose, and for levying taxes for the payment of interest and sinking fund, providing for the creation of a permanent board of road commissioners, their election, qualification and compensation as such, and defining the powers and duties of such board, and providing for the employment of county or district road superintendent, fixing the salary, defining the duties and prescribing the qualifications of such superintendent, providing for the employment of road keepers in said county and defining their duties; providing for eminent domain in opening, widening, laying out and straightening of public highways, and in securing material for the construction and maintenance of public highways in Cooke county, making this act cumulative with all general laws, etc., and declaring an emergency."

S. B. No. 274, A bill to be entitled "An Act creating the Charlotte Independent School District covering the same territory heretofore known as Common School District No. 22 in Atascosa county, Texas, and defining its boundaries; and to provide for the creation of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes; and conferring upon the board of trustees plenary powers; and providing for the trustees to have power and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing school buildings within the same; and to levy a tax therefor; and to pay current expenses for maintenance and support of said schools; providing for a board of equalization, and further prescribing the duty and authority of said board of trustees; declaring valid an issue of bonds heretofore made; declaring valid all maintenance tax heretofore voted, and repealing all laws in conflict with this act."

H. B. No. 485, A bill to be entitled "An Act to validate the charter and incorporation of the city of Eagle Pass, adopted by the qualified voters of said city since the enactment of Chapter 147, of the Acts of the Regular Session of the Thirty-third Legislature, and filed in the office of the Secretary of State, and declaring an emergency."

H. B. No. 531, A bill to be entitled "An Act to create a more efficient road system for Limestone county, Texas, adopting certain provisions of Chapter 2, Title 18, Revised Civil Statutes of 1911, as amended and added to by Chapter 203, Acts of 1917, and Chapter 18, General Laws, Fourth Called Session, Thirty-fifth Legislature, except as herein otherwise provided, and prescribing ways and means of conducting and supervising the construction of roads in said county or any political subdivision or defined district thereof; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

H. B. No. 537. A bill to be entitled "An Act to repeal Chapter 105 of the Local and Special Laws of the Thirty-first Legislature, creating a special road system for Falls county, Texas, approved March 29, 1911, and to create a more efficient road system for Falls county Texas, and making county commissioners ex-officio road commissioners and prescribing their powers and duties as such and providing for the condemnation of material for the construction and maintenance of public roads, and providing for the compensation of such material, and providing for the working of county convicts on the public roads and purchasing of supplies for convicts and reward for the capture of escaped convicts and for commutation of sentence on good behavior, and providing that every person liable for road duty shall pay a four dollar road tax, exempting such person from duty for such year for which taxes were paid, and providing for the summoning and working of all parties liable for road duty on the public roads who have not paid such road tax, and permitting substitutes in payment of money in lieu of such service and fixing allowance of time for service of hands and teams on such public roads, and fixing penalties for violation of same, and providing for the employment of a road keeper by the commissioners court, and fixing the salary of same, and providing for the making of this act cumulative of the general laws now in force, and repealing all laws in conflict with this act, and declaring an emergency."

H. B. No. 549, A bill to be entitled "An Act to exempt the county of Uvalde from the provisions and opera-

tions of Articles 5002 and 5042, inclusive, of Chapter 6, Title 102, of the Revised Civil Statutes of 1895, amended by the Acts of the Twenty-eighth and Twenty-ninth Legislatures, relating to the inspection of hides and animals, and repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 539. A bill to be entitled "An Act enlarging the Albany Independent School District in Shackelford county, Texas; defining its boundaries as enlarged, and providing for the election of a board of trustees to manage and control the public free schools within said district, provided that none of the land and territory added by this act to said Albany Independent School District shall be subjected to the payment of any portion of the local maintenance tax now levied, assessed and collected in said district, except in so far as the same may be hereafter voted by the people of said enlarged district, as provided by the general laws of this State, naming the fiscal year as to taxes, investing said district with all the powers, rights and duties of independent school districts formed for free school purposes only, and declaring an emergency."

H. B. No. 540, A bill to be entitled "An Act creating and incorporating Ringgold Independent School District in Montague county, Texas, out of the territory now composing Common School District No. 43 of said county; providing that the title to the school property be vested in such independent school district and that it assume the debt of said common school district; providing for a board of trustees for said district; providing for a treasurer of the school funds and defining his duties; defining the boundaries of said district, and declaring an emergency."

H. B. No. 546, A bill to be entitled "An Act creating and incorporating the Union Independent School District in Terry county, Texas, and defining the boundaries thereof; providing for a board of trustees, and defining their powers and authority; authorizing said board of trustees to levy, assess, and collect taxes for maintenance and building purposes, and to issue bonds therefor; providing for an assessor and collector of taxes thereof and providing for a board of equalization of said school district; providing for an

election of trustees thereof, and declaring an emergency."

H. B. No. 545, A bill to be entitled "An Act creating the Santa Anna Independent School District in Coleman county, Texas; defining its boundaries, including the present Santa Anna Independent School District; providing for a board of trustees in said district, conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof, providing that the present board of trustees continue in office until the expiration of their respective terms, and declaring an emergency."

H. B. No. 550, A bill to be entitled "An Act to create Common School District No. 20, in Borden County, Texas, out of territory heretofore included within the boundaries of Common School District No. 1 of said county, and providing that the territory and property within said Common School District No. 20 shall continue to be subject to taxation for the payment of the principal, interest and sinking funds of any and all bond issues heretofore issued by said Common School District No. 1 and still unpaid; and conferring upon the county board of trustees of Borden County the same powers of control over said Common School District No. 20 as they have under law over other common school districts of like class in said county."

H. B. No. 561, A bill to be entitled "An Act to repeal Chapter 115 of the Special Laws of the State of Texas, passed by the Thirty-third Legislature, approved March 31, 1913, so far as same applies to Zavala County, and providing that the general road law of the State of Texas shall be in effect in Zavala County, and declaring an emergency."

H. B. No. 564, A bill to be entitled "An Act to amend Chapter 14 of the general and Special Laws of the State of Texas, passed at the Third Called Session of the Thirty-fifth Legislature, entitled 'An Act to create a more efficient road system for Trinity County, Texas, and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners courts of said county with

regard thereto; to create the authority of the county road superintendents and to define its duties; and to provide adequate penalties for the violation of the provisions of this Act; repealing Chapter 146, passed by the Thirty-fifth Legislature in Regular Session creating a special road law for Trinity County, and declaring an emergency,' being an Act requiring the road overseers of Trinity County to deposit all moneys collected by them from road hands in the county treasury, and providing a means for paying out the same, and declaring an emergency."

H. B. No. 565, A bill to be entitled "An Act creating the Woodville Independent School District in Tyler County, Texas; defining its boundaries; providing for a board of trustees in said independent school district, conferring upon said district and its board of trustees the rights, powers, privileges and duties now conferred and imposed by the general laws of the State upon independent school districts and the board of trustees thereof; providing for the election of trustees, for the raising of revenues, issuing of bonds, building and maintaining schoolhouses, maintaining public free schools, declaring valid the local maintenance tax heretofore voted and now in effect in the territory included in the school district hereby created, repealing all laws in so far as they conflict herewith, and declaring an emergency."

H. B. No. 329, A bill to be entitled "An Act to prevent the introduction into the State of Texas of the destructive cotton pest, *Pectinophera Gossypiella Saund*, hereinafter referred to as the pink boll worm, and to control and eradicate such insect pest in the event its presence in this State is discovered, creating a zone along the boundary between the State of Texas and the Republic of Mexico, providing for the inspection of fields of cotton and for the inspection and general control of cotton and cotton products produced in such zone; providing for the quarantine of any territory in such zone whenever the pink boll worm in any of its stages shall be discovered within such zone or adjacent thereto in the Republic of Mexico; providing for the quarantine and control of any territory within the

State in which the pink boll worm may be found, and for the eradication of the pest, and for compensation for cotton or fields that may be destroyed under the provisions of this Act; vesting the Commissioner of Agriculture with authority to administer the Act; authorizing the Governor to issue certain proclamations; and making it the duty of the Commissioner of Agriculture to promulgate rules to effectuate the provisions of the Act, and creating an emergency."

H. B. No. 566, A bill to be entitled "An Act changing the boundaries of Slaton Independent School District and Common School District No. 14 in Lubbock County, Texas; transferring to Slaton Independent School District a portion of the territory now embraced in Common School District No. 14; describing Slaton Independent School District in Lubbock and Lynn Counties, Texas, by metes and bounds; providing that Slaton Independent School District No. 14 in Lubbock County, Texas, which it is entitled to assume in taking over the additional lands, and declaring an emergency."

H. B. No. 562, A bill to be entitled "An Act to amend Sections 2, 6, 7, 10, 12, 13, 14 of Chapter 47, Acts Thirty-fourth Legislature, passed at its Regular Session, being 'An Act to create a more efficient road system for Mills County' so as to prescribe how road and bridges taxes collected from persons upon property in incorporated cities and towns in said county shall be expended, so as to provide for increased compensation to be paid road hands, and for teams; defining a good day's work; increasing the compensation of road overseers; increasing the amount to be paid in lieu of road duty and to secure exemption from road duty, and prescribing to whom such last named sum shall be paid by residents of incorporated cities and towns; and to add to said Chapter 47, Section 15a, providing for the payment into the county treasury of said county of all automobile and motor vehicle license and transfer fees, collected under the terms of existing laws; designating the same as a special highway fund of said county; providing how and for what purpose the same shall be expended; providing that all general and special

laws in conflict with this Act shall yield to and be governed thereby and declaring an emergency."

Respectfully submitted,

T. B. REESE,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, Lieutenant Governor Johnson, had referred, after their captions had been read, the following House bills:

H. B. No. 539, referred to the Committee on Educational Affairs.

H. B. No. 540, referred to the Committee on Educational Affairs.

H. B. No. 546, referred to the Committee on Educational Affairs.

H. B. No. 531, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 545, referred to the Committee on Educational Affairs.

H. B. No. 550, referred to the Committee on Educational Affairs.

H. B. No. 565, referred to the Committee on Educational Affairs.

H. B. No. 566, referred to the Committee on Educational Affairs.

H. B. No. 562, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 561, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 564, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 537, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 549, referred to the Committee on Stock and Stock Raising.

H. B. No. 485, referred to the Committee on Towns and City Corporations.

H. B. No. 329, referred to the Committee on Agricultural Affairs.

Simple Resolution No. 82.

Whereas, There now exists a famine in food throughout the entire civilized world, and a shortage will probably exist for several years to come; and

Whereas, It is very necessary at this time to raise sufficient food and feed for home consumption, in order that the enormous sums spent out-

side of the State for these necessities may be kept at home; and

Whereas, Experience has taught us that more money is realized for the producer out of a small crop of cotton than a large one, thereby increasing the profits on the labor spent in raising a cotton crop; and

Whereas, There is a systematic campaign being conducted throughout the State and all cotton-growing States to reduce the acreage to be planted in cotton at least 33 1-3 per cent from that planted last year; and

Whereas, The Governor has pledged the co-operation of the State Government to any movement that may be formulated which will to any degree have a tendency to restore and stabilize the cotton market and bring to the producers of our great Southland the compensation for their labor they so richly deserve; and

Whereas, practically all the commercial organizations, joined by the organized farmers and bankers of the State, have recently passed resolutions requesting the cotton farmers of the State to reduce the acreage to be planted in cotton for the year 1919, in order that there might not be placed on the market more cotton than the world would readily consume; therefore, be it

Resolved by the Thirty-sixth Legislature of the State of Texas, That we heartily endorse the action of the Governor and the various commercial organizations, organized farmers, bankers and others in their efforts to reduce the cotton acreage and to increase the acreage in food and feed, and we call upon all farmers of this State, where soil conditions will permit to respond to this appeal, because we do not believe that it emanates from a selfish motive.

WESTBROOK.

The resolution was read, and Senator Floyd offered the following amendment, which was read and adopted:

(1) Amend S. R. No. 82 by adding the following:

"Be it further resolved, That the Governor recommend to the Penitentiary Commissioners that the cotton crop acreage on the penitentiary farms be reduced 15 per cent over the cotton acreage of last year, and that the acreage in food crops be increased accordingly."

Senator Buchanan of Scurry of-

fered the following amendment, which was read and adopted:

Amend the resolution by placing the following after the word "motive" at end of the resolution:

"Provided, that the terms of this resolution shall not apply to farmers in the drouth-stricken sections of the State, who for the last two years on account of drouth have reduced their cotton crops 100 per cent."

Senator Dean moved the previous question on the resolution, which, being duly seconded, was accordingly ordered.

The resolution was read, and the same was not adopted.

Simple Resolution No. 83.

Whereas, The Hon. J. M. Terrell of Dallas, Texas, a former distinguished member of this body, is now in the city; therefore, be it

Resolved, That he be invited to address the Senate and that he be extended the courtesy of the floor.

DOROUGH.
McNEALUS.

The resolution was read and adopted, and Senator Terrell was presented to the Senate and made a brief address.

Senate Concurrent Resolution No. 29.

Whereas, Many of the young men of the State of Texas have entered the service of the United States army and navy, and many young women have entered the service of the United States as Red Cross nurses; and

Whereas, Many of said young men and women were students of the University of Texas and the Agricultural and Mechanical College of Texas; and

Whereas, Their attendance upon said institutions was interrupted by their entry into the service of the United States in the great world war, whereby they have been compelled to lose much time and have been greatly delayed in receiving their diplomas from said institutions; and

Whereas, Their splendid self-sacrifice and heroism has touched the hearts of all loyal Texans and has brought to their realization the great worth of these noble men and women, who have brought greater

glory to the name of the State of Texas; therefore, be it

Resolved by the Senate of the Thirty-sixth Legislature, the House of Representatives concurring, That the faculties and the boards of regents of the University of Texas and of the Agricultural and Mechanical College of Texas be recommended to grant diplomas to all students who have enlisted in any branch of the United States army or navy or in the service of the United States as Red Cross nurses and who have completed three-fourths of the course required for their diplomas and that they be graduated from said institutions without further requirements, and that such students be granted their diplomas upon presentation of an honorable discharge from the service.

HERTZBERG.

The resolution was read and adopted.

Senate Concurrent Resolution No. 30.

Whereas, The Legislature of the State of Alabama has recently passed a House Joint Resolution, which is presented herewith, as follows:

"Whereas, Inasmuch as in normal times cotton is the one staple of commerce which brings more gold from foreign countries to America than any other one commodity, thereby turning the balance of the world's trade in favor of the United States and giving cotton a National importance; and

"Whereas, The mills of Europe are the largest consumers of low-grade cotton, but owing to war conditions the spindles of those countries are practically without a supply; and

"Whereas, President Wilson in his last message to Congress declared 'the war is over' and, therefore, there is no longer any necessity for retaining the restriction on exports and imports of commerce; and

"Whereas, The American merchant marine is now an established and assured fact and the slogan should be: American bottoms controlled by American citizens for American commerce; now, therefore, be it

"Resolved, by the House of Representatives, the Senate concurring, That we insist that our Senatorial Representatives in Congress take im-

mediate steps to see that all embargoes on cotton be instantly removed; be it further

"Resolved, That Congress be urged to provide immediately for the establishment of American steel steamship lines, between the Gulf and South Atlantic ports and all foreign ports, for the promotion of American commerce, and at reasonable standardized rates."

Whereas, The above incorporated resolution discusses a most vital question to the people of the cotton growing States, and to the State of Texas especially; and

Whereas, We believe the subject matter of this resolution expresses most forcefully the sentiment of the people of Texas; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Texas Legislature endorses the resolution of the Legislature of the State of Alabama; be it further

Resolved, That a telegram to this end be sent President Wilson, that a copy of this resolution be sent to the chairman of the United States Shipping Board, chairman of the War Trade Board and to each of the Senators and Representatives from the State of Texas in the National Congress.

SMITH.
BELL.

The resolution was read and adopted.

Morning call concluded.

Simple Resolution No. 76.

The Chair laid before the Senate as special order for this hour:

Senate Resolution No. 76, accepting the portrait painting of Stephen F. Austin, "Pioneer of the Wilderness." (See page 532.)

Addresses were delivered by Senators Smith and Faust on the life, character and achievements of Stephen F. Austin, after which the resolution was unanimously adopted.

Senator Westbrook in the Chair.

Senate Bill No. 129.

Senator Dayton called up and the Chair laid before the Senate on second reading:

S. B. No. 129, A bill to be entitled "An Act providing for the nomination of candidates in primary elections in this State, at an election, providing for 'first' and 'second choice' at same primary election; providing form of ballot to be used at primary elections; providing how candidates may have their names placed on the ballot; providing how first and second choice votes shall be counted, etc."

Senator Dayton offered the following amendments which were read and adopted:

(1) Amend Senate Bill No. (129), page (2), printed bill, by striking out section (4) and re-numbering the remaining sections.

(2) Amend Senate Bill No. (129), pages (4) and (5), printed bill, by striking out section (12) and re-numbering the remaining sections.

(3) Amend Senate Bill No. (129), page (5), section (14), line (19), printed bill, by adding after the word "election," and before the period the following:

"primary ballots for all political parties in this State shall be printed in the English language."

(4) Amend Senate Bill No. (129), page (5), section (13), printed bill, by striking out all in lines (12), (13), (14) and (15) after the word "members" in line (12), and insert in lieu thereof the following:

"in accordance with the laws of this State. The titles to the several offices shall also be arranged in accordance with the laws of this State."

(5) Amend Senate Bill No. (129), page (10), section (22), line (18), printed bill, by striking out the words "duplicate certificates of the results" after the word "sign," and insert in lieu thereof the following:

"returns as now provided by law showing results of said primary election."

(6) Amend Senate Bill No. (129), page (10), section (22), line (27), printed bill, by adding thereto the following:

"It shall be the duty of the judges and clerks of primary elections in this State to return to the proper county, State or municipal authorities, all unused and mutilated ballots, which have not been used, and all other election paraphernalia received by them."

(7) Amend Senate Bill No. (129),

page (12), line (17) by striking out word "mechanical."

(8) Amend Senate Bill No. (129), by striking out section (32), and re-numbering the remaining sections.

(9) Amend Senate Bill No. (129), by striking out section (6) and re-numbering all other sections.

Senator Witt offered the following amendment which was read and adopted:

(10) Amend Senate Bill No. 129, page 4 of the printed bill by striking out all of lines 23 to 28, inclusive.

On motion of Senator Dayton the bill was set as a special order for next Tuesday at the conclusion of the morning call.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 27, 1919.
Hon. W. A. Johnson, Speaker of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the return of H. B. No. 88, and said bill is returned herewith.

The House refuses to concur in Senate Amendment to H. B. No. 99 and requests the appointment of a Conference Committee to adjust the difference.

The following have been appointed to act on the part of the House: Messrs. Stout, Vaughan, Pedigo, John Davis and Curtis.

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

House Bill No. 99—Conference Committee Elected.

Senator Parr offered the following written motion which was read and adopted:

I move that the Senate grant the request of the House for a conference committee on H. B. No. 99 and that the following be elected on the part of the Senate: Caldwell, Dudley, Dorough, Alderdice, Dayton.

PARR.

The motion was adopted carrying the election of the committee named.

Message From the Governor.

Governor's Office,

Austin, Texas, Feb. 28, 1919.

To the Thirty-sixth Legislature of Texas:

Every member of the Legislature of Texas must recognize that Texas has been inexcusably remiss in doing proper honor to the memory of Sam Houston, and I feel it incumbent upon me as a patriotic duty to recommend that the Legislature make provision for marking by means of a monument or a tablet or a boulder of Texas granite, suitably inscribed; or by some other appropriate memorial and commemorative symbol, the place of his birth at Timber Ridge, Rock Bridge county, Virginia at which place he was born March 2, 1793, and I recommend that the sum of Five Thousand (\$5,000.00) Dollars be appropriated for this purpose.

Sam Houston was one of the world's greatest men. No man who has ever played a part on the Stage of Public Action in Texas or this Nation, ever had a more unique, remarkable, useful or honorable career. His services in council hall and on battle field was such as to indissolubly link his name in honor and glory to that of Texas. Those of us who now live are, and generations as yet unborn will be his debtors, and the obligation rests upon the people of Texas with imperative force to perpetuate the memory of his birth and of his great life by suitable memorial erected upon the soil of his native state.

Such action will make known to the people of Virginia that Texas appreciates in all its fullness the value of his great life which had its inception on her historic soil; and will give assurance that they hold in grateful recollection the service of a man who by his military skill, his heroism, his suffering and his wise statemanship established a young Republic from which eventuated the Sovereign State which he loved so well and which he served with consummate ability and conscientious fidelity.

The appropriation necessary for the purpose indicated will be trivial in amount, but it will enable Texas to discharge the patriotic obligation, the fulfillment of which has been regretfully long delayed. I will cheerfully and promptly approve any bill which will make it practicable to speedily effectuate the purpose I have in view in submitting this measure.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Senate Bill No. 249.

The Chair laid before the Senate on second reading:

S. B. No. 249, A bill to be entitled "An Act to amend Article 1123 of the Revised Civil Statutes of the State of Texas 1911, so as to permit married women to become subscribers, stockholders, officers and directors of corporations, and declaring an emergency."

The following amendment by Senator Dorrough was read and adopted:

(1) Amend S. B. No. 249, line 21, by inserting after the word "deeds" the following, "as such stockholders, officers and directors."

The bill was read second time and passed to engrossment.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 249 put on its third reading and final passage by the following vote:

Yeas—22.

| | |
|---------------------|-------------|
| Bailey. | Hopkins. |
| Bell. | Johnston. |
| Buchanan of Scurry. | McNealus. |
| Carlock. | Page. |
| Cousins. | Parr. |
| Dayton. | Smith. |
| Dean. | Strickland. |
| Dorough. | Westbrook. |
| Dudley. | Williford. |
| Faust. | Witt. |
| Floyd. | Woods. |

Absent.

| | |
|------------|------------|
| Alderdice. | Hertzberg. |
| Caldwell. | Suiter. |
| Clark. | |

Absent—Excused.

| | |
|-------------------|-------|
| Buchanan of Bell. | Hall. |
| Gibson. | |

The bill was laid before the Senate, read third time and, on motion of Senator Westbrook, was passed finally.

Senate Bill No. 192.

The Chair laid before the Senate on second reading:

S. B. No. 192, A bill to be entitled "An Act to require the filing with the clerks of districts and county courts of copies of all petitions, answers, motions, notices or other in-

struments pertaining to suits in such courts; providing for the certification of such copies; prohibiting the removal of original papers from the offices of such clerks, and providing a penalty for such removal; and declaring an emergency."

The committee report carrying an amendment was adopted.

On motion of Senator Bailey the bill was laid on the table subject to call.

Senate Bill No. 190.

Senator Carlock called up and the Chair laid before the Senate on second reading:

S. B. No. 190. A bill to be entitled "An Act to give authority to every city incorporated under the laws of Texas, having a population of twenty-five thousand (25,000) or more, according to the U. S. census of 1910, to require the payment of a Permit Fee, not to exceed Two (\$2.00) Dollars, from the owners and operators of motor vehicles and motor cycles, living within the limits of such city, and also upon the owners and operators of motor vehicles living without the limits of such city, but who operate motor vehicles or motorcycles for the greater portion of the time that they are in use within the limits of such city, as a prerequisite to the right to the use of its streets by such vehicles; to confer upon such cities the right to pass the necessary ordinances; prescribing that a violation thereof shall constitute a misdemeanor; and that the permit fee provided for shall be in addition to those prescribed by the laws of the State regarding the use of motor vehicles on the public highways; to provide that the revenue derived from the fees collected or fines, imposed shall be applied to the maintenance of the streets and the enforcement of the traffic laws within the limits of such city; to repeal all laws in conflict, and declaring an emergency."

Senator Carlock offered the following amendment which was read and adopted:

(1) Amend Senate Bill No. 190 by adding a new section on page 2, at the end of Section 1, and renumbering the sections of the bill, said new section to be known as Section 2, and to be as follows:

"Section 2. The provisions of this Act shall not apply to automobiles or motor vehicles operated for public hire.

As to all such vehicles, all cities included in this Act shall have the authority, and the right is hereby conferred upon them, to impose such license fees upon them, and to enact such rules and regulations as to their use as may be deemed necessary by the governing authorities of such cities. The license fees here contemplated being in addition to those required to be paid for the use of the Highway Department, under the present laws.

(2) Amend Senate Bill No. 190 in the caption, on page 1, after the word "Highways" in line 22 by adding the following:

"To except motor vehicles used for public hire from this Act; to confer upon said cities the right to license and regulate such motor vehicles and to require the payment of license fees additional to those now collected by the Highway Department."

The bill was read second time and passed to engrossment.

On motion of Senator Carlock, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No 190 put on its third reading and final passage by the following vote:

Yeas—21.

| | |
|---------------------|-------------|
| Bailey. | Hopkins. |
| Bell. | Johnston. |
| Buchanan of Scurry. | Page. |
| Carlock. | Parr. |
| Cousins. | Smith. |
| Dayton. | Strickland. |
| Dean. | Suiter. |
| Dorough. | Westbrook. |
| Dudley. | Williford. |
| Faust. | Witt. |
| Floyd. | |

Absent.

| | |
|------------|-----------|
| Alderdice. | McNealus. |
| Caldwell. | Woods. |
| Hertzberg. | |

Absent—Excused.

| | |
|-------------------|---------|
| Buchanan of Bell. | Gibson. |
| Clark. | Hall. |

The bill was laid before the Senate, read third time and, on motion

of Senator Carlock, was passed finally.

Senate Bill No. 212.

The Chair laid before the Senate on second reading:

S. B. No. 212. A bill to be entitled "An Act regulating the traffic in gasoline and other petroleum products in this State; prohibiting the sale of such products except under their true name and providing for inspection thereof; providing that packages, containers or receptacles containing any of said products shall be plainly marked in accordance with regulations of the Interstate Commerce Commission and show the name of the manufacturer and place of manufacture; prescribing a standard of petroleum products which may be sold for illuminating purposes; making it unlawful to sell as gasoline any product not conforming to the standards prescribed in the Act; prescribing a standard for gasoline; providing a method of testing gasoline and other petroleum products; compelling the use of correct and accurate scales and measuring devices and authorizing the inspection and method of enforcing compliance with the law in this respect; prescribing the duties of the Food and Drug Commissioner and his authorized inspectors or other persons appointed by him in the enforcement of the provisions of this Act; making it unlawful to obstruct the Commissioner or those under his direction in exercising the powers conferred; providing penalties for violations and repealing parts of laws in conflict with this Act, and declaring an emergency."

Senator Bailey offered the following amendment, which was read and adopted:

(1) Amend Senate Bill No. 212, Section 10, line 12, of the printed bill, by striking out all the words after the word "duties" down to and including the word "with" in line 13, and inserting in lieu thereof the word "the," and substitute in line 13 for the word "enter" the word "inspect."

Also amend said Section 10 by striking out all the words in line 17, of the printed bill, after the word "devices" and insert in line 16 between the words "samples" and "test" the word "and."

Also strike out all of line 18.

The bill was read second time, and passed to engrossment.

On motion of Senator Bailey the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 212 put on its third reading and final passage by the following vote:

Yeas—24.

| | |
|---------------------|-------------|
| Alderdice. | Hertzberg. |
| Bailey. | Hopkins. |
| Bell. | Johnston. |
| Buchanan of Scurry. | Page. |
| Carlock. | Parr. |
| Cousins. | Smith. |
| Dayton. | Strickland. |
| Dean. | Sulter. |
| Dorough. | Westbrook. |
| Dudley. | Williford. |
| Faust. | Witt. |
| Floyd. | Woods. |

Absent.

| | |
|-----------|-----------|
| Caldwell. | McNealus. |
|-----------|-----------|

Absent—Excused.

| | |
|-------------------|---------|
| Buchanan of Bell. | Gibson. |
| Clark. | Hall. |

The bill was laid before the Senate, read third time and, on motion of Senator Bailey, was passed finally.

Senate Bill No. 261.

The Chair laid before the Senate on second reading:

S. B. No. 261, A bill to be entitled "An Act providing for the compensation of the clerks of the Courts of Civil Appeals of Texas; authorizing the employment of a deputy clerk, and providing for the disposition of all costs collected by said clerks, and declaring an emergency."

On motion of Senator Dorrough, the bill was laid on the table subject to call.

Senate Bill No. 256.

Senator Hopkins called up, and the Chair laid before the Senate on second reading:

S. B. No. 256. A bill to be entitled "An Act to prohibit Commissioners' Courts from issuing warrants, negotiable or non-negotiable, interest

Absent.

Caldwell.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark. Hall.

The bill was laid before the Senate, read third time and, on motion of Senator Cousins, was passed by the following vote:

Yeas—25.

| | |
|---------------------|-------------|
| Alderdice. | Hopkins. |
| Bailey. | Johnston. |
| Bell. | McNealus. |
| Buchanan of Scurry. | Page. |
| Carlock. | Parr. |
| Cousins. | Smith. |
| Dayton. | Strickland. |
| Dean. | Suiter. |
| Dorough. | Westbrook. |
| Dudley. | Williford. |
| Faust. | Witt. |
| Floyd. | Woods. |
| Hertzberg. | |

Absent.

Caldwell.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark. Hall.

House Bill No. 488.

The Chair laid before the Senate on second reading:

H. B. No. 488, A bill to be entitled "An Act to amend Sections 1, 2, 16 and 21 of the Local and Special Laws passed at the Regular Session of the Thirty-fifth Legislature, same being Chapter 121 of said act, increasing compensation of county commissioners and road hands, and amending Section 6 of the Local and Special Laws passed at the Regular Session of the Thirty-first Legislature, being Chapter 74 of said Act, defining the number of hours to constitute a day's work; repealing all laws in conflict with this Act, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Dayton, the Constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 488 put on

its third reading and final passage by the following vote:

Yeas—25.

| | |
|---------------------|-------------|
| Alderdice. | Hopkins. |
| Bailey. | Johnston. |
| Bell. | McNealus. |
| Buchanan of Scurry. | Page. |
| Carlock. | Parr. |
| Cousins. | Smith. |
| Dayton. | Strickland. |
| Dean. | Suiter. |
| Dorough. | Westbrook. |
| Dudley. | Williford. |
| Faust. | Witt. |
| Floyd. | Woods. |
| Hertzberg. | |

Absent.

Caldwell.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark. Hall.

The bill was laid before the Senate, read third time and, on motion of Senator Dayton, was passed by the following vote:

Yeas—25.

| | |
|---------------------|-------------|
| Alderdice. | Hopkins. |
| Bailey. | Johnston. |
| Bell. | McNealus. |
| Buchanan of Scurry. | Page. |
| Carlock. | Parr. |
| Cousins. | Smith. |
| Dayton. | Strickland. |
| Dean. | Suiter. |
| Dorough. | Westbrook. |
| Dudley. | Williford. |
| Faust. | Witt. |
| Floyd. | Woods. |
| Hertzberg. | |

Absent.

Caldwell.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark. Hall.

Senate Bill No. 340.

The Chair laid before the Senate on second reading:

S. B. No. 340, A bill to be entitled "An Act to increase and fix the salary of the Superintendent of Public Instruction of Harris County, Texas, providing for office expenses, repealing all laws in conflict therewith, and declaring an emergency."

The committee report that the bill be printed in the Journal only was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Johnston, the Constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 340 put on its third reading and final passage by the following vote:

Yeas—22.

| | |
|---------------------|-------------|
| Alderdice. | Hopkins. |
| Bailey. | Johnston. |
| Bell. | McNealus. |
| Buchanan of Scurry. | Page. |
| Carlock. | Parr. |
| Dayton. | Strickland. |
| Dean. | Suiter. |
| Dorough. | Westbrook. |
| Dudley. | Williford. |
| Faust. | Witt. |
| Hertzberg. | Woods. |

Absent.

| | |
|-----------|--------|
| Caldwell. | Floyd. |
| Cousins. | Smith. |

Absent—Excused.

| | |
|-------------------|---------|
| Buchanan of Bell. | Gibson. |
| Clark. | Hall. |

The bill was laid before the Senate, read third time and, on motion of Senator Johnston, was passed by the following vote:

Yeas—21.

| | |
|---------------------|-------------|
| Alderdice. | Johnston. |
| Bailey. | McNealus. |
| Bell. | Page. |
| Buchanan of Scurry. | Parr. |
| Carlock. | Strickland. |
| Dean. | Suiter. |
| Dorough. | Westbrook. |
| Dudley. | Williford. |
| Faust. | Witt. |
| Hertzberg. | Woods. |
| Hopkins. | |

Absent.

| | |
|-----------|--------|
| Caldwell. | Floyd. |
| Cousins. | Smith. |
| Dayton. | |

Absent—Excused.

| | |
|-------------------|---------|
| Buchanan of Bell. | Gibson. |
| Clark. | Hall. |

Adjournment.

At 12:45 o'clock p. m., the Senate, on motion of Senator Buchanan of Scurry, adjourned until 10 o'clock next Monday morning.

APPENDIX.

Petitions and Memorials.

Senator Alderdice offered a numerous signed petition from Johnson County opposing the passage of any measure that will hamper the promotion of small oil companies.

Senator Bell offered a petition from citizens of his district who are opposed to laws requiring the Federal Standard for feed stuffs.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 28, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Internal Improvements to whom was referred

S. B. No. 301, A bill to be entitled "An Act for the purpose of escheating a railroad, and its property to the State when such road has abandoned operation of the road, etc.,"

Have had same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass.

BUCHANAN, of Scurry, Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Internal Improvements to whom was referred

S. B. No. 343, A bill to be entitled "An Act to amend Articles 731 and 732 of the Revised Civil Statutes of the State of Texas, 1911, more definitely defining connecting carriers, making each of them an agent for the other, etc."

Have had same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

BUCHANAN of Scurry, Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1919.

Hon. W. A. Johnson, President of
the Senate.

Sir: We, your Committee on Internal Improvements to whom was referred

S. B. No. 350, A bill to be entitled "An Act to conserve the oil and gas resources of the State of Texas, etc.,"

Have had same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

BUCHANAN of Scurry, Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1919.

Hon. W. A. Johnson, President of
the Senate.

Sir: We, your Committee on Constitutional Amendments to whom was referred

House Joint Resolution No. 13, being a resolution to be entitled "House Joint Resolution proposing to amend Section 49 of Article 3 of the Constitution of the State of Texas relating to the power to create debts by or on behalf of the State, so as hereafter to authorize the Legislature to enact a law directing the issuance of bonds by the Governor of the State in a sum not to exceed Seventy-five million (\$75,000,000) dollars, the proceeds of said bonds to be used in the construction of durable hard surfaced roads upon public highways of the State,"

Have had same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

WESTBROOK, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1919.

Hon. W. A. Johnson, President of
the Senate.

Sir: We, your Committee on Constitutional Amendments to whom was referred

Senate Joint Resolution No. 11, being a resolution to be entitled "A Joint Resolution proposing an amendment to Section 9, of Article VIII of the Constitution of the State of Texas, by increasing the amount of ad valorem taxes that may be levied by counties, cities and towns

from twenty-five cents to fifty cents on the \$100.00 valuation, and by increasing the total tax rate that may be levied for the erection of public buildings, sewers, water works and other permanent improvements from twenty-five cents on the \$100.00 valuation to fifty cents on the \$100.00 valuation, and making an appropriation therefor,"

Have had same under consideration, and am instructed to report the same back to the Senate with the recommendation that it do pass.

WESTBROOK, Acting Chairman.

THIRTY-FIFTH DAY.

Senate Chamber,
Austin, Texas, March 3, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|---------------------|-------------|
| Alderdice. | Floyd. |
| Bailey. | Hall. |
| Bell. | Hertzberg. |
| Buchanan of Bell. | Hopkins. |
| Buchanan of Scurry. | McNealus. |
| Caldwell. | Page. |
| Carlock. | Parr. |
| Clark. | Smith. |
| Cousins. | Strickland. |
| Dayton. | Sulter. |
| Dorough. | Westbrook. |
| Dudley. | Witt. |
| Faust. | Woods. |

Absent.

Gibson. Williford.

Absent—Excused.

Dean. Johnston.

Prayer by Chaplain

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

Excused.

Senator Dean was excused for today on account of important business on motion of Senator Carlock.

Senator Johnston for today on account of sickness on motion of Senator Bailey.